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Political Corruption in the Belgian Partitocracy:
(Still) a Endemic Disease?

LIEVEN DE WINTER

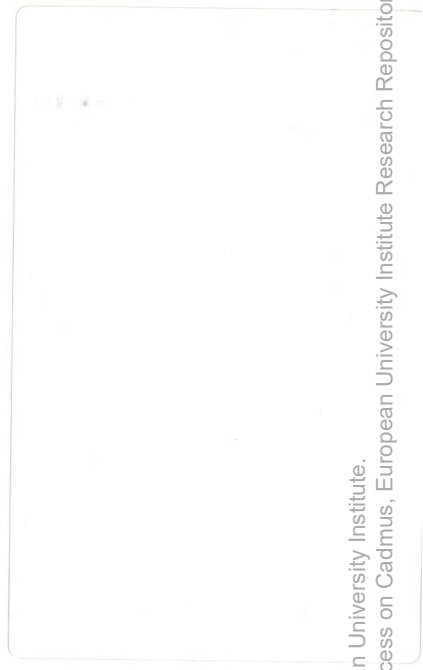
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EUROPEAN UNIVERSITY INSTITUTE, FLORENCE

**ROBERT SCHUMAN CENTRE
FOR ADVANCED STUDIES**

**Political Corruption in the Belgian Partitocracy:
(Still) a Endemic Disease?**

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I. INTRODUCTION*

The topic being related to white crime, the scientific study of political corruption poses several methodological problems both with the measurement of the dependent variable (i.e. the size and type of corruption) and the independent factors that can explain such levels of corruption. This is particularly true in the Belgian case, as until now, little empirical scientific research has been carried out on political corruption in Belgium¹. In addition, the number of cases for which solid data exists is rare, given the fact that only a small number of corruption allegations has been brought to trial (see below).

On the other hand, there are several indicators suggesting that political corruption is, or at least has been, widespread in Belgium in the 1970s and 1980s. Secondly, many of the factors that in the comparative literature on political corruption have been identified as facilitators of political corruption are, or until the beginning of the 1990s, were strongly present in the Belgian case.

So below, we will first look at the indicators about the degree of political corruption in recent Belgian history. Secondly, we will present a short overview of the types of political corruption that have been identified. Thirdly, directing particular attention to the party factors identified by Della Porta in her discussion paper, we will ask to what extent classical causes of corruption are in fact salient for explaining political corruption in Belgium. In terms of the time limits in this paper, as most corruption cases refer to practices in the 1970s and 1980s, we will focus on this period, but also indicate the changes brought about in the 1990s.

A. SIZE

1. Transparency International Index

According to the TI Political Corruption Perception index of 1998, Belgium is after Italy and Greece perceived as the most corrupt country in the European Union² (it holds the 28th place from among the 85 countries included in the index). In 1997 (26th place in the index) it was only surpassed by Italy.

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¹ Also the journalistic accounts are of dubious quality in terms of sources and tend to denounce rather than to reveal or clarify.

² In 1996 (20th place) it was surpassed by Portugal, Greece, Spain and Italy. In the 1980-1985 period, it was at the 10th position, in 1988-1992 at the 17th place.

It should, however, be kept in mind that this index is only a perception index, an assessment of the corruption level as perceived by business people, risk analysts and the general public (based on 9 and 10 surveys in 1998 and 1997 respectively). The recent Belgian position on the index is characterised by a very high variance³ between the rankings of Belgium in the different surveys used, which suggest quite diverse opinions between different sources. The high variance is mostly due to inclusion (since 1997) of the General Gallup survey presenting the perception of the public at large and a lesser degree by reassessments of business people and risk analysts. Thus, the recent worsening of the position of Belgium on the TI-index is mainly due to the inclusion of public opinion (a source that was not included for any country in the previous years either) that perceives politicians, public officials, policemen and judges to be more corrupt than those of most other European countries placed higher on the perception index.

Thus, this deconstruction of the Belgian score shows to what extent the index is vulnerable to shifts in moods or perceptions of the public. Evidently the wave of corruption cases that since 1994 have shocked the Belgians had an effect on public perception of the degree of corruption of Belgian politicians independently of the fact that most of the cases that emerged were related to affairs that occurred in a more distant past, i.e. the period before party public financing. However, through a matter of coincidences (the judicial enquiry on the murder of socialist party leader Cools murder, that lead to the discovery of the Agusta-Dassault affair) these cases were only now being investigated or brought to trial.

2. Allegations of Corruption in the Past 25 Years

A quick overview on the basis of inventories made by national press organs suggests that since the first big political corruption affair (the 1973 RTT affair) we find less than a hundred files of allegations of corruption (independent of the fact whether these cases were brought to court at all).⁵ In twenty cases, one or more public officials or entrepreneurs were put on trial with charges of active or

³ Of the EU countries, only Greece has a larger variance.

⁴ The development of the Dutroux affair since 1996 and the 1998 Agusta-Dassault trial will has further undermined people's trust in judges and policemen as well. In fact, Belgians have the lowest degree of confidence in public institutions of the EU member states, and are the least satisfied with the way democracy works in their country (Eurobarometer 49).

⁵ Based on the inventory of Barrez, the inventories published by the quality papers *De Standaard* en *De Morgen* and consultation of the archives of the weekly *Knack/Trends/Le Vif-Express/Tendances*).

passive corruption. In only eight cases, politicians were condemned⁶. A few trials are still pending⁷. Also, there are hardly any cases that refer to corrupt practices subsequent to the second law on public financing of political parties of 1993.

Hence, in comparison with Italy, Japan and the US, we can argue that Belgium is a rather weak case. Still, some soft indicators of systemic corruption indicate that corruption was much more widespread than the 'top of the iceberg' presented above may suggest. Some indicators point to regular, stable, organised and to some extent formalised forms of occult exchange. First there are indicators that at certain decision-making levels, bribes were sometimes expressed in fixed percentages of tenders.⁸ Still, in most corruption cases mentioned in the press, corruption deals were more ad hoc, the size of the bribe being decided each time by the contracting parties, rather than referring to a fixed, "normal" or "just" percentage. Also, privileged access to decision-makers in exchange for party donations was a widespread and systemic practice.⁹ Finally, during the last five years of *scandalitis*, most leaders of the traditional governing parties admitted that the 1980s were a period of *l'argent fou*, of "grey" party financing, of a culture in many decisions could be bought or "fixed".¹⁰

⁶ RTT-Baudrin-Pepermans, Versteede, Hooze Maey, Liège Parkingmeters, Smans, UNISOP, Reyniers, Augusta-Dassault

⁷ The 'mortar shells', Falkenberg, Rozenberg, en Goderis affairs.

⁸ In the case of the Vanderbiest/Cools investigation, the press mentioned that Vanderbiest had explained to judge Ancia the existence of a *Parti Socialiste* corruption system: all firms that had tenders with the Walloon Region had to give a certain percentage (10%) to the PS, which was channelled through the cabinet of the minister of Walloon Subsidies Works, Waterways and Supplies and Local Government, a position previously held by Cools himself. Also, some accused politicians and top civil servants were nicknamed "Mister 5%" or "Mister 10%" (Sauvillier & Ilegems, 1997:108).

⁹ Scheyven, who was for 40 years the treasurer of the 'eternal' governing party CVP-PSC, declared that in order to collect campaign resources for his party, he "taxed" enterprises that had obtained, in the previous legislative term, public tenders according to the total amount of tenders received. In exchange, he offered a private meeting of the sponsors with a minister of their choice, who was informed about the generosity of the sponsor. The most important sponsors were invited to the private mansion of the treasurer for a meeting with the PM and the ministers of Finance and Economy. Also Cools, the leader of the Socialist party used to call post-electoral contact meetings between his ministers and the main sponsors of the party. During the interviews made within the framework of our research projects on MPs, ministers and mayors, sometimes spontaneous reference was made to attempts of bribing of the respondents in their quality of local official, especially concerning the modification of building legislation and territorial planning.

¹⁰ Van Peel Marc in *Humo* (8/2/97, p.42).

B. MOST FREQUENT FORMS OF POLITICAL CORRUPTION IN BELGIUM

1. Services Offered by the Public Sector

An inspection of the mechanisms of corrupt exchange mentioned in the allegations of corruption are not very different from those used in other countries. They include:

Manipulation of Public Tenders

- violation or subjective interpretation of public tender stipulations, when a decision-maker is allowed to take into account (apart from cost-benefit) a multitude of factors, including economic spill-over for national, regional or local economy;¹¹
- transformation of tenders from the type that requires public tender to those that can be concluded underhand (including the splitting of the tender in smaller parts that do not require public calls for tender¹²)
- attribution of tenders to formally - but fictitious - cheapest bidder (decision-makers leak information about prices offered by competitors to the firm they protect, so that the latter can offer the cheapest price and win the tender, knowing that subsequently the decision-makers will allow the firm to bring up the price to proper levels by presenting unforeseen supplementary costs);
- setting up fictitious competition, when ghost companies linked to the protected company introduce price bids that are higher than the one of the protected, making the protected win the competition;
- manipulation of tender stipulations in terms of deadlines, formal requirements, etc;
- selling of public enterprises under market value;
- reimbursement for fictitious services rendered: contractors are allowed to introduce reimbursement claims for services they did not render.

¹¹ A Minister of Public Works who held the office for a long time acknowledged during a trial that he had received funds for his party from a businessman in return for tenders not awarded according to proper procedures. He declared that it was common practice. He was not condemned for his remarks, nor was there any inquiry ordered to reform this sector. The accepted practice in this sector, from the local to the national level, is for payments to be made 'under the counter' ... (*Le Soir*, March 9, 1983:6)

¹² Under 1.250.000 BF no public tender is required.

Changing Legislation and Decrees

- modification of the territorial planning bills, converting agricultural and fauna territory into industrial and residential areas;¹³

Conflict Management

- judicial interventions: intervention of politicians in judicial procedures concerning conflicts between contractors and the state, and between private enterprises
- arbitration: intervention of politicians in the bilateral bargaining between enterprises and the state on assessment of the damages one of the parties suffered due to violation of tender stipulations¹⁴.

Offering Impunity and Penalty Reductions

- through upholding parliamentary immunity, many shady dealings cannot be investigated in depth, as the main protagonists are not interrogated;¹⁵
- through the party politicisation of the judiciary (see below) and the possibility to slow down judicial procedures to withhold the necessary resources or to promote investigating judges, etc., political parties can - through their nominees at all levels of the judiciary (see below) - discourage judiciary activism in uprooting corruption cases, make procedural errors that will torpedo a case, close cases, or - in the rare

¹³ For instance, the judicial inquiry into manipulation of the Flemish regional plans for land use found that 23 of the 25 were manipulated, leading to a total of 3000 falsifications (Ghijs, 1997:68-69), involving the upgrading of land for several billion francs.

¹⁴ In the "smeerpipj" affair, a damage claim of 800 millions made by a ministry was transformed into a payment of 200 millions of damages to the constructor, allegedly after direct intervention of a CVP-party treasurer during the bargaining meeting.

¹⁵ In order to interrogate a minister or MP, the Parliament had, until 1997, to give its permission. In order to indict a minister, the parliament has to refer him to the *Cour de Cassation*, an exceptional procedure. Therefore, in several cases party treasurers and members of ministerial cabinets whose names were mentioned in corruption cases were swiftly promoted to MP, making it much harder to prosecute them. In the case of CVP party treasurer Delcroix, he was smuggled into the Senate to take his oath as coopted senator while the investigators of the Superior Committee of Control were looking for him for interrogation since several days. In the "regional planning" affair, the trial was delayed several times as some of the main actors (members of the ministerial cabinet) had been made senator and their colleagues did not want to lift their immunity in order not to disturb parliamentary activities (Ghijs, 1997:69). Only in cases of flagrant indicators of corruption, MPs will lift parliamentary immunity of their colleagues.

instances that a corruption case is brought to court trial - they can help to downplay the charges¹⁶ or reduce the penalties;¹⁷

2. Services Offered by the Private Sector

Apart from direct "under the counter" gifts to individual decision-makers, the private sector has been accused of rewarding politicians and civil servants in the following ways:

- monetary donations to party treasures;
- politico-functional rewards in kind: personnel and housing paid by companies but at the service of the politicians;
- direct gifts to the party periodical (or frequently indirectly payment through the purchase of overpriced advertising space);
- indirect campaign contributions through the payment of advertising, opinion surveys, printing, broadcasting expenses of party or politicians, or when the corrupting firm is active in the communications sector, offering free use of campaign resources in exchange for tenders in the past or future¹⁸;
- direct monetary gifts to the party research centres and indirect gifts (for instance by ordering overpriced or entirely fictitious research projects);
- rewards in kind. These can be as private as leisure trips disguised as research trips for politicians, civil servants and their relatives, wining and dining, tickets for V.I.P seating in sports stadiums, cars, furniture, free luxury vacations using the private property of the entrepreneurs, and help in forming and/or maintaining extramarital relations (Sauviller & Illegems, 1997:104).

¹⁶ In Belgian penal law it is quite difficult to prove that corruption really occurred, as one has to demonstrate that the payment of money has influenced the decision of the public official, or in other words that a deal or promise to pay bribes has been struck before the decision is formally taken. Having received money afterwards is not sufficient proof.

¹⁷ In most cases of fraud concerning public tenders, the penalty is a simple indemnization. Ministers will not be held politically responsible for manipulation of tenders as in most cases the minister is not in charge anymore, the case has legally expired, and most MPs are not genuinely interested exploiting these violations (see below).

¹⁸ For instance, often the personal campaign of ministers would be in the hands of the same public relations company that also was in charge of the information campaigns of the ministry. Hence the service rendered to the personal campaign would be undercharged or entirely free.

II. CAUSES AND FACILITATORS OF CORRUPTION IN THE BELGIAN PARTITOCRACY

Apart from the numerous structural factors that facilitate political corruption in the Belgian partitocracy, one should not neglect the strong impact of a rather 'uncivic' political culture.

A. CULTURAL FACILITATORS

1. At the Level of the Public at Large

a) Permissiveness Towards Breaches of Public Interest

(1) Towards Corruption and Fraud

Belgians are reputed to have uncivic attitudes concerning tax fraud. According to the European Values Study, in 1981 only the French were more permissive of tax fraud than Belgians. In 1990 this permissiveness had further increased, making them the European leader.¹⁹ Also the size of the black economy is one of the highest in Europe. Also the EVS surveys indicate that permissiveness towards taking bribes at one's work is considerably higher than the European average.²⁰

(2) Towards Breaking the Law in General

These uncivic attitudes towards different types of financial fraud are part of a larger culture of legal alienation. The analysis of Gibson and Caldeira indicates that Belgians find (more than the European average) that "it is rare that the law is on my side; usually I find laws to be restrictive and against my interests" and "if you don't particularly agree with law, it is all right to break it if you are careful not to get caught".

(3) Clientelism and Constituency Service

Many observers have pointed to the importance of clientelism in the relation between Belgian voters and their elected representatives. Empirical research does in fact indicate that serving the constituency, in an individual and collective way, was considered by voters as well as MPs as *the* or one of the main roles of elected representatives (De Winter, 1985). Extrapolations on the basis of surveys amongst MPs and mayors (De Winter, 1992; Ackaert 1998) allow us to estimate the size of the "service for votes" exchange network at

¹⁹ The survey of Field Research of 1997 (published in *La Dernière Heure*) indicated that 61% of the Belgians did not feel moral scruples about tax fraud.

²⁰ Furthermore, frauding insurance companies has become an endemic disease (*Le Vif*, 27/6/97:16).

about one out of four voters having appealed to the clientelistic services of elected officials. About half of these clients vote for the politician they contacted. Still, the size of the clientelistic network²¹, as well as the electoral return for services rendered seems to be in decline, due to the bankruptcy of the public sector, and a shift towards higher public standards and adoption of specific rules of conduct (De Winter and Brans, 1999). Given these uncivic attitudes, it comes as no surprise that the widely publicised corruption cases of the 1990s have hardly (until now) influenced voting behaviour, and if it did, it was in favour of the accused party (Billiet, Beerten & Swyngedouw, 1996).

b) Political Control Attitudes

For citizens to be able to play a role in the fight against corruption they have to keep the elected officials accountable. This requires alert citizens who are interested and well informed about political life. Belgian citizens display political attitudes that make them less inclined to control their elected representatives. First their level of interest in politics is amongst the lowest in the EU (Gabriel & Brettschneider, 1992:544; De Winter, 1998). Their level of knowledge of basic political facts (like the party composition of the coalition in power) is generally weak (Maddens & Dewachter, 1993) and their sense of internal and external political efficacy is amongst the lowest in Europe. They display the highest level of distrust in political institutions (with the exception of the media that are remarkably highly trusted), a high dose of political cynicism towards politicians and distrust in fellow citizens. Finally, within the EU public, they are the least supportive of political and socio-cultural democratic rights and freedoms (De Winter, 1998).

²¹ Demands for assistance vary enormously in content. In 1983 as well as in 1996, the most frequent demands concerned employment, which includes general demands for a job as well as for political support for recruitment and promotion in the civil service. Nearly seven out of ten Representatives reported this sector as the most important in 1983 and eight out of ten in 1996! The second most important sector relates to income problems, generally to obtaining a (or a higher) social security transfer (like pensions, child allowances, etc.). The third sector is housing, which includes social housing as well as obtaining building permissions. In 1983 problems related to the army constituted a sector of average importance but became the least important in 1996, probably due to the fact that compulsory military service was abolished in 1993. However, we find, in 1996, as fourth most important category police and justice (immigration, legal assistance, prisoners, and annulment of traffic fines), a sector that came last in 1983. Then we find three sectors of about equal and rather stable importance: taxes (problems with tax declaration, tax evasion and overtaxing); education, culture, and leisure (which basically concern problems of obtaining scholarships); and family problems (divorce, juvenile delinquency, adoption). Problems of transport and communication (telephone, road works and security) have lost prominence (dropping from the 7th to the 9th place), probably due to the quasi-privatisation of the public telephone company. Before it was common to call in an MP's help to get a faster connection of a new telephone line.

2. At the Level of Political Elites

Apart from their inclination towards clientelist service responsiveness towards the individual constituents, Belgian politicians also engage massively in collective allocative responsiveness activities. They perceive this as an important extraparlimentary role (De Winter, 1997:136).

Given the strong impact of Belgian parties on executive decision-making (see below), MPs can through contacts with ministers, their cabinets, party nominated civil servants, etc. play a very manipulative role in the executive decision-making process. They thus satisfy demands of individual constituents as well as of the collective constituency.

Due to this prominence of pork barrel politics in the role definition of politicians and of voters, and the large opportunities politicians have for satisfying the collective needs²² of their constituency, Belgian political elites are more vulnerable to corruption offers. Hence, part of the pay-off is expressed in large investments of the contracting enterprises in the constituency of the decision-makers.²³

3. Entrepreneurial Political Culture

Also the entrepreneurial culture is promoting occult exchange. Belgian enterprise culture is strongly based on informal contacts, flexibility and willingness to bend business rules. This particular business culture is one of the causes of the size of the hidden economy which is among the largest in Europe. Second, the analysis of Lambsdorf (1997) indicates that Belgium companies abroad show a high propensity to pay bribes for contract acquisition at the international level.

²² De Winter's (1992) parliamentary survey showed that a large majority of MPs succeeded in attracting governmental subsidies for communication and transport infrastructure works (like roads, ports, rail, and telephone connections) and governmental and private investments stimulating the economic development and employment in their constituency. About one out of three was able to provide collective provisions with regard to the service sector (infrastructure relating to the educational, health, cultural and sport sectors). One in five managed to solve urbanisation and housing problems, and a little less referred to problems with regard to the environment and physical security.

²³ For instance, in the Agusta-affair, one of the payoffs was the promise of Agusta to build factories in the constituency of the main ministers involved.

B. STRUCTURAL FACTORS

1. Demand Factors

a) Political Finance Needs

(1) Growing Needs Due to Growing Expenditures

One of the main reasons of the expansion of the occult financing of parties and politicians in the 1970s and 1980s is undoubtedly the professionalisation of party organisation and communication. This period has been characterised by more professional management of and communication with the rank-and-file membership (through central data management, membership periodicals, mass leisure activities), the formation of party policy and campaign technicians, the professionalisation of party leadership positions (requiring a personal secretariat, chauffeurs, housing in the capital, expense accounts, etc.).²⁴

Expenditures rose most uncontrollably in the sector of electoral campaign costs. According to calculations made on the basis of estimates of the size of campaign efforts,²⁵ the overall campaign costs rose from 218 million in 1974 to 969 billion in 1987.²⁶ Since then, due to the introduction of campaign restrictions and more transparent party accounting, it stabilised around that level.²⁷

This exponential growth of campaign expenses is basically due to:

- a) professionalisation of campaigns by hiring professional campaign managers and their services instead of party rank-and-file campaigners,
- b) the personafication of the campaign: in spite of the fact that technically preference voting does not affect a candidate's chances for election (as

²⁴ According to the testimonies in the Agusta-trial, the former chairmen of the PS and PSC received in the 1980s from their party treasurer, monthly, about 100.000 BF (2.500 Euro) as an expense account 'under the counter'.

²⁵ Expenditure and income data provided by the parties themselves in that period is either unreliable or non-existent (Deschouwer, 1992).

²⁶ This in spite of the fact that no purchase of broadcasting time is allowed on public and private TV and that parties represented in parliament (and under certain conditions non-parliamentary parties as well) are allocated free broadcasting time on the public network, in a quasi-proportional way (often slightly to the benefit of the smaller parties).

²⁷ 941 million in 1991; 997 million in 1995 (*Informatiebundel KUL*).

this is determined by his place on the list²⁸), a good score in preference votes is beneficial for the place one receives on the lists, prestige within and beyond the party and one's chances for executive office. Hence, in most corruption allegations, we find traces of direct payments to important electoral leaders, either directly, or through payment to the party treasurer with mention of the politician to be sponsored.²⁹

(2) Sources of Income

(a) Collective Party Income.

Clearly, the traditional forms of resource raising³⁰ were not sufficient to meet the rising costs of party functioning in the 1970s and 1980s. A comprehensive system of public financing covering extra-parliamentary parties was established only in 1989 (Van Bunder, 1993). Before then, tax-deductible donations could only be made to the party research centres and, since 1985, to specially created party treasury funds. The 1989 legislation on public financing of parties mandated that all parties represented in both chambers would receive a lump sum plus an additional amount for each vote they received in the last legislative elections. A number of new regulations were introduced in order to decrease the overall costs of campaigning per party and per candidate. A number of campaign techniques were also prohibited. Tax deductible gifts were first limited, before being prohibited altogether in 1993. The 1993 law filled some

²⁸ There are generally two alternative ways of casting votes: a list vote, endorsing the order of candidates on the list that is presented, and a preference vote. Every candidate whose number of preference votes reaches the eligibility figure (calculated by dividing the party's total constituency vote by the number of seats it won, plus one) receives a seat. Usually, only those candidates at the top of party lists manage to win such a large number of votes. If the head of the list receives fewer preference votes than this, list votes are added to his preference votes until the required number is reached. This procedure is repeated for the second candidate on the list, and so on until all the party's seats have been allocated. However, if all list votes were needed before all the seats have been assigned, then the remaining seats are given to those remaining candidates who have the largest number of preference votes. In practice, voters rarely manage to alter the ordered list (in less than 1% of all MPs elected since World War I) in spite of the fact that preference voting has increased tremendously (from 16% in 1919 to 56% in 1995). Thus, as a consequence of the seat-allocation procedure, voters decide only on the number of seats a party gets, whereas the parties themselves decide who will occupy them. The size of a candidate's 'personal vote' does not affect his chances of being elected.

²⁹ For instance, most money paid by Agusta to the SP was channelled by the party treasurer to the persons heading electoral lists in the main constituencies (*De Morgen*, August 26, 1998).

³⁰ Traditional sources of party income are membership dues (still about one out of ten voters is a party member), contributions from elected officials (ranging from 8 % for the Francophone Socialists to as much as 50 % for the Francophone Greens) and from parliamentary parties – most of whom transfer the bulk of their resources to the central party office (De Winter & Dumont, 1999).

gaps and closed some loopholes, but most importantly almost quadrupled subsidies.

Responsibility for ensuring that these campaign restrictions are followed rests with a parliamentary committee, which receives reports from the heads of the central constituencies' voting boards. Up until now, very few complaints have been notified to the committee, most by referring to ministers that abuse departmental PR for personal promotion. In addition, in most cases of campaign violations, it is seems difficult to sufficient proof that can lead to a verdict and withdrawal of subsidies. Finally also here parties seem to be rather lenient towards each other's breaches of (the philosophy of) the public finance legislation.

(b) Public Decision-makers' Sources of Personal Income

Low pay for public officials (a commonly used economic argument to explain corruption) does not work as an explanation for the apparent willingness of Belgian public elites to accept bribes and grey forms of political finance. Belgian MPs, higher civil servants and judges are paid more or less average in comparison with their European and other colleagues (expressed in Purchasing Power Parity) (Brans, 1994, 1996).³¹ However, the gap with top private pay is clear, as the average general manager earns almost twice as much as an MP. Bonuses and performance premiums would further widen the gap. Contrary to suggestions of recent, cross-national executive remuneration studies (Hood & Lambert, 1994:39-40), it cannot be said that the gap has widened over the last decade (De Winter & Brans, 1999).

³¹ In 1996, the base allowance stood at 2,529,162 BF. The 1996 income structure of MPs comprises base allowances, intrinsic office rewards in cash and kind, formal post-service benefits such as pensions and severance pay, and outside-earning opportunities. Up until 1996, half of this allowance was exempt from taxes, as a means to offset members' professional expenses. Allowances are now fully taxed, but this was compensated for by a lump sum expense allowance (of 28 % of the allowance). There are three further deductions from base allowances: pension contributions, economic crisis contributions, and party contributions. MPs receive a range of intrinsic office rewards, some in cash, others in kind (Brans, 1994, 1996). A comparison of pay differentials for top positions in both the public and private sector (based on base salaries, holiday pay and end of year premium) indicates that cabinet members earn twice as much as ordinary backbenchers; top civil servants earn one third and top judges two thirds more than MPs. Overall though, civil servants and judges have few outside earning opportunities. So do Cabinet members, for which a wider range of intrinsic office rewards, such as official cars and housing facilities, compensates this comparative income disadvantage.

³² The 75th percentile manager gains 2,5 times the MP's salary and the very top (95 percentile) 3,5 to 4 times more.

b) Electoral System and Behaviour

As argued above, the electoral system as such, based on proportional representation with an medium degree of disproportionality, does not contribute significantly to the corrupt behaviour of elected officials and parties. Also the political relevance of preference voting is weak in comparison to Italy or Japan, given the fact that in Belgium, MPs are hardly ever elected by virtue of their preferences votes. Their election depends on their place on the party list.

c) Party Organisational Features

Selective Incentives for Party and Political Participation

Belgian parties, especially the traditional ones, have managed, until recently, to keep high levels of membership. The overall ratio members/voters has even grown between the early 1960s and the end of the 1980s, from 7.8 to 9.2%³³ (Katz & Mair, 1994). Hence, until the 1990s, there is not discernible crisis of the mass-party model. The number of party members of the traditional parties (except the VLD) has however gone down steadily in the 1990s (Delwit & De Waele, 1997).

It is difficult to capture to what extent there has been a shift in the incentives stimulating these high levels of party membership, as no general party membership survey has ever been carried out. Still, some partial data does indicate that selective material incentives have been important. First, party membership/voters ratio is positively related to the parties' participation in government. In addition, constituency case work case studies indicate that the number of clients calling for an MPs intervention declines sharply once his party is out of power. And it was common practice that persons who received important services (like a job or promotion in the civil service), were asked to contribute to the MP's or the party campaign fund and to become a party member. These party member/clients represent loyal troops which can be mobilised during the intraparty primary (*poll*) or constituency party conferences which decide on the selection of candidates. Also, the overall degree of identification has gone down from 27% in 1978 to 18.2% in 1994. During this period, party identification in Belgium has always been below the European average.³⁴

³³ This in spite of the large drop of support for the traditional parties that generally have a much higher degree of encadrement (from 90.5% in 1961 to 64.1% in 1999).

³⁴ Whether this low identification and gradual decline is only due to the weak(ening) of the ideological incentive is an open question.

d) Party System Features

(1) Fragmentation of the Party System and Government Rotation

The Belgian party and government system displays features of core stability as well as strong volatility. From 1958 to 1999, the Christian-democrats have uninterrupted been in power at the federal as well as the regional level, mainly in coalition with the socialists and to a lesser extent the liberals.³⁵ But also the newcomers to the party system (at least the three regionalist parties) had sporadically their share of governing power (De Winter, 1998). The splitting of the three traditional parties in a Flemish and Francophone one in the 1970s and the breakthrough of other newcomers in the 1980s has not only made the Belgian party system the most fragmented one of Europe (the number of effective parties reached a new peak in 1999 (9.1) but already in 1991 13 parties were represented in the House, De Winter & Dumont, 1999). This fragmentation expresses a multitude of cleavages and issue dimensions: left-right, clerical-anticlerical, regional-linguistic, materialist-postmaterialist system-antisystem. It is important to understand that there are no national parties left in Belgium, i.e. parties that run candidates in all 20 constituencies. All parties are homogeneously Flemish or Francophone, and only run for office in Flemish or Francophone constituencies.³⁶

³⁵ From a two party system during most of the 19th century, when the Catholic and Liberal parties opposed each other across the religious divide, the Belgian party system turned into a three-party type with the Socialist breakthrough and the emergence of a socio-economic cleavage at the end of the century. It remained that way until at least 1965. The parties' relative strength varied considerably throughout the period, but most of the time the three 'traditional' parties (Christian-Democrats, Socialists and Liberals) together received more than 90% of the total vote and alternately shared governmental offices in different coalition combinations. In the 1960s and 1970s, the number of parties represented in Parliament rose dramatically. The linguistic-regional parties (*Volkspartij* in Flanders, *Rassemblement Wallon* in Wallonia, and *Front Démocratique des Francophones* in the Brussels region) came first and even entered governmental coalitions in the 1970s. The growing saliency of the linguistic and regional cleavage divided the Christian-Democrat, Liberal and Socialist parties, and each traditional party split into two organisationally and programmatically independent Flemish and French-speaking branches (in 1968, 1972, and 1978 respectively). At the end of the 1970s came the Flemish ultra-nationalist and anti-migrant *Vlaams Blok*, the poujadist *Union Démocratique pour le Respect du Travail*, and the Green parties (AGALEV in Flanders and ECOLO in the Francophone areas). Thus, by 1981 fourteen parties were represented in Parliament. During the 1980s, the Communists, the RW and the UDRT lost their last representatives in Parliament. The 1991 general election introduced the latest newcomers, the Francophone extreme-right *Front National*, and the libertarian ROSSEM (which did not run in the 1995 and 1999 elections as the founder was imprisoned for fraud).

³⁶ With the exception of the huge bilingual Brussels-Halle-Vilvoorde constituency.

The government system is also highly fragmented: since 1973 four to six small and middle-sized parties³⁷ participate in government. This extreme fragmentation of executive power, and the highly collective nature of cabinet decision-making (Frogner, 1997) should in principle deflate corruption practices as the number of decision-makers - therefore the potential of mutual control by whistle-blowers - increased drastically in comparison of the single party or two-party governments of the 1950s and 1960s. While in the 1960s and early 1970s, co-operation in the field of occult party finance between governing parties seems to have occurred regularly³⁸, in the subsequent period, corruption deals were usually set-up by one party only. Therefore, the expansion of the occult financing of political parties in the 1970s and 1980s coincided with a drastic increase of party fragmentation and government volatility, not during a period of stable party monopoly or duopoly of executive power.

In spite of considerable government volatility, there was also a strong element of government stability, as the strongest party family was nearly uninterruptedly in power, changing regularly coalition partners. As such - given the pivotal power of Christian-democrats when Socialists or Liberals were in opposition, their opposition tended to be rather lukewarm, as they knew that a too strong head-on opposition would be sanctioned by the CVP-PSC that could keep the denouncers another legislative term out of power.³⁹

³⁷ The largest party in government, the VLD, obtained 14.3% of the national vote at the 1999 elections.

³⁸ The treasurer of the CVP-PSC declared that he and the treasurer of another party swapped some of their names so that 'we do not forget such and such a person or group in order to get the necessary funds (*Le Soir*, March 9, 1983:6). According to Coeck & Willems (1994) and Sauviller & Ilegems (1997), Vandenboeynants and Cools, the strong men of the PSC and PS in the 1970s and early 1980s and major fundraisers, had a perfect understanding in manipulating national defence tenders, leading to a high conjuncture in political corruption. Their willingness to share may explain why in that period very few corruption cases were discovered or brought to trial. These two politicians were removed from their power position in national politics only in the early 1980s. Still, even then period there seems to have existed a non-aggression pact. In the investigation of the Agusta-trial, a note was found, formulated by the main advisor of the PSC-vice PM in the sector of large public tenders. It said that the Agusta tender seem to be steered by "a socialist mafia" but the advisor told his minister not to intervene, as this would give the PSC more influence in future army tenders (Coeck & Willems, 1994:186).

³⁹ This was the fate of the Flemish Liberals that through their populist and anti-Christian pillar strategy were condemned to the opposition benches for 12 years (1987-1999).

Therefore, in spite of convincing indicators of widespread and well-organised occult financing of the CVP-PSC⁴⁰ in the 1970s and 1980s, the other traditional parties are reluctant to exploit these disclosures. Also in the 1995 and 1999 campaigns, the other parties have underexploited the Agusta-Dassault case that involved the non-pivotal Socialists.

This suggests in fact the existence of non-denunciation and retaliation pacts between traditional parties, as all have corpses of past illicit party finance in their closet. In addition, there is the justified fear that an escalation in corruption disclosure will only be beneficial to the extreme right⁴¹ (*Vlaams Blok* and *Front National*), that openly politicise and campaign on the issue of *manipulite*. For the same reason, also the Green parties - that hitherto are not involved in corruption - have refrained from politicising the issue of political corruption.

(2) Low Turnover Decision Makers

Hindriks (1996) suggests that a low turnover of decision-makers is instrumental to political corruption. However, turnover of Belgian political elites has been traditionally high, at least in general terms. On the basis of fragmented evidence⁴², one can conclude that parliamentary seniority has decreased considerably in the post-war period.⁴³ After the 1995 elections, the average number of years of parliamentary experience is 5.51 years for the House, 6.9 years for the Senate (Depauw, 1997:209). Also the average ministerial career is quite short in comparative perspective (3.7 years) and the number of years on a given ministerial post is even lower (2.1 years) (De Winter, 1990:75&93). Such short careers are dysfunctional for setting up an efficient network of corrupt exchange.

⁴⁰ The two most instructive books on occult party financing, based on internal documents of the party treasurer concerned the CVP (Fransen & Martens; Sauviller & Ilegems). None of the other traditional parties tried to politically exploit the publication of these books.

⁴¹ At the 1995 general elections, the extreme right parties taken together obtained more than 10% of the national vote.

⁴² Fiers (1998) mentions an overall average of 9.0 years for Representatives in the 1946-1992 period and 7.7 for the Senate. After the 1978 elections, the incumbency of Representatives was 7.7 years (De Winter, 1992:201).

⁴³ This is partially due to the growing fragmentation of the party system which not only brings representatives of new parties for the first time into parliament, but also makes more seats marginal in each constituency - and this for all parties - due the effects of the second tier provincial allotment system of 'remainder seats'.

However, the most central figures in occult financing of parties are not ministers, let alone MPs, but the *chefs de cabinet* and the party treasurers.⁴⁴ The top collaborators of the *cabinet ministériel* (see below) often remain in their position when the minister changes, at least when the ministry remains in the hands of the same party. Also most national party treasurers have a career that is longer than the ministerial one, and some even had an extremely long service.⁴⁵ This office-holding stability is instrumental to generating and managing trust between parties involved in corruption practices and the role of parties in sanctioning political corruption and credit agencies.

(3) De-ideologisation of Main Political Parties

Della Porta (1999) suggests that political corruption occurs more with cartel parties with fluid ideology that can not mobilise a stable constituency on ideological grounds and need money to mobilise supporters. The thesis of the de-ideologisation of main political parties has regularly been evoked in Belgium. Research on the distance of political parties in the relevant political dimensions (Swyngedouw, 1993:103) indicate that voters perceive little difference between Christian-democrats, Socialists and Liberals (as well as the *Volksunie*).⁴⁶ Only the Greens and the extreme-right are perceived to differ significantly from the traditional parties.

However, in a long-term perspective, the 1960-1990 period gives a less clear-cut picture of de-ideologisation. In the 1960s, the Liberals became more openly a conservative party on the left-right divide, and even tended toward neo-liberalism in the 1980s, but switched back to the center at the end of the 1990s (De Winter, 2000). The Socialists gradually moved to the centre-left. On the denominational divide, the Liberals abandoned the anti-clerical positions in the 1960s, while also the Christian-democrats gradually became less virulent defenders of traditional religious values. On the linguistic/regional divide, however, polarisation has been growing steadily since the 1970s, leading to a system of polarised pluralism (De Winter & Dumont 1999; Deschouwer, 1996) that can cause the breakdown of the polity. In fact, as there are no more Belgian parties but only Flemish and Francophone ones, each appealing to their linguistic constituency, there is no more a Belgian party system, but two autonomous and antagonistic party systems. Finally, the breakthrough of several

⁴⁴ They are most often sitting on the banks of the accused in corruption trials, together with the political responsible, i.e. the ministers.

⁴⁵ Scheyven was for 40 years the treasurer of the CVP-PSC. Delcroix was CVP treasurer and national secretary only in the 1984-1992 period, but the shortness of his office was forced by the judicial inquiries into his shady dealings. Mangé was SP fund collector in the 1980-1995 period.

⁴⁶ Also in Wallonia, one can discern a move towards the centre (Claeys & Desmarez, 1994).

highly ideological newcomers (ethno-regionalists, greens and extreme-right parties) do not suggest a generalised de-ideologisation of the party system in the post-war period. Hence, only for the two oldest cleavages - class and religion - one can in the long run discern (although non-linear) centripetal trends amongst the main governmental parties, and a certain fluidisation of their ideology.⁴⁷

2. Supply Factors

a) Pillarisation

Della Porta (1999) argues that the invasion of parties of civil society lowers defences against corruption and mismanagement. A particular form of societal invasion is consociationalism, whereby parties act as the spokesmen of well-organised ideological subcultures that are well-entrenched in civil society through a network of pillar organisations active in most sectors of civil society. Not only has Lijphart (1981) considered Belgium as the best fitting case for his consociational ideal-type, but also contrary to other cases, the basic premises of the model still hold for Belgium (Luther & Deschouwer, 1999).

According to Frogner (1986), consociationalism can facilitate corruption. He argues that the more occult dealings between elites, the greater the chances for corruption.⁴⁸ Also, in a consociational democracy, political elites have more means to 'manage' the reality of corruption and to minimise the harmful effects of the revelations of the scandals that involve them. They thus protect themselves from 'chains of denunciation' which, from one particular scandal, may escalate and threaten to challenge the political world as a whole. It is likely that a consociational democracy is more susceptible than other forms of government to develop this type of collective response, thanks to the 'cartelisation of elites', their capacity to control leaders within one's own pillar and to avoid conflicts that could result in chain of denunciations and ultimately political disaster. Thus, Frogner discerns several self-protecting mechanisms:

- 1) the capacity of controlling the press through self-censorship. The Belgian press used to be strongly linked to the pillars, not only ideologically but also in terms of interlocking directorates (De Winter,

⁴⁷ Although this is basically an adaptation to major societal transformations like secularisation, embourgeoisement of the working class and the development of the welfare state.

⁴⁸ One could also argue the opposite to be true, as opening up the decision-making processes to several sectors in a society would lessen the need to use corruption as a functional alternative to direct participation in power.

1981). It has often been reported that on a number of occasions they have refused to publish stories that involved those families.⁴⁹

2) top-leaders within the pillars, such as the party presidents, have been able to instruct important figures, such as ministers to resign in order to avoid the revelations of 'scandals', possibly inspired by opponents, or to stop the unfolding of a scandal which could have serious repercussions. One can note the use of specific sanctions such as the resignation from national positions and a demotion to local offices or even a temporary 'departure' from public life. The ultimate sanction is the permanent removal from political life. Frogner presumes that these interventions by leaders are not just internally decided but also result from the political trade-offs between leading members of the 'cartel of elites'.

3) the sharing of information on partners available for illegal operations (see footnote 38). We could also add to this the capacity to offer a collective informal amnesty to politicians of different parties under accusation.⁵⁰

b) Structural Lack of Fair competition in Public Markets Due to Regional Competition

The prominence of pork barrel activities of Belgian MP is related to the 'non-rational' way in which public expenditures are allocated in Belgium. Given the ongoing conflicts between the different regions and cultural communities, departmental spending is carefully distributed over the regions and communities, so that each unit receives public investments according to its

⁴⁹ For instance, catholic *De Standaard*, the main Flemish quality paper, has not reported in depth on the revelations of the dealings of the CVP-treasurer Delcroix. Also, no Socialist politician (although they were on the opposition benches) exploited the links between CVP and capital groups unveiled by the publication of the book "The Money of the CVP" (Franssen & Martens, 1984). Even the socialist newspaper, *De Morgen*, that had launched the scoop, dropped the topic after one week. As CVP-president Van Peel observed (*Humo* 8/2/97:42): "Are the notebooks of party treasurer Leo Delcroix a clear example of the fixing culture of the 1980s? The answer is yes! ... All parties were financed by enterprises and everybody new, also the political journalists. When the book *The Money of the CVP* came out, nobody gave a wimp".

⁵⁰ The parliamentary committee that in 1989 had to decide whether to lift the parliamentary immunity of the former ministers Vanden Boeynants (PSC) and Vreven (VLD) named in corruption affairs, and of MP Lizin (PS) for forgery, decided that in all three cases the accusations did not carry enough weight. As each belonged to one of the three traditional political families, this absolution was considered to be the product of a package deal between the three parties.

size.⁵¹ Hence, many projects are allocated to constituencies that normally - in terms of socio-economic cost/benefit calculations - would not be able to attract such investments. As the decisions on the allocation of public investments are largely based on political criteria, rather than on socio-economic cost/benefit calculations, politicians have a larger pork barrel market to manipulate than in many other countries. This method of allocating public expenditures - the so-called *wafer iron politics* - together with subsidies towards declining traditional industries and the rise in public employment in the 1970s are the main causes for the gigantic public debt (Lammens, 1993).⁵²

Evidently, political parties and party politicians are the main actors in bending the rules in order to represent the special interests of their collective clienteles and private sponsors. Since the mid-1980s, a special cabinet committee comprising top ministers was created to supervise the fair regional allocation of public federal investments and purchases.

c) The Expansion of Organised Crime

Until recently, little was known about the existence and operation of organised crime in Belgium. Since 1996, a special committee follows the sector publishing a yearly report. It found that 238 criminal organisations were active in Belgium in 1997 (162 in 1996, 90 in 1994) that made massive use of legal enterprises as cover. The commission found that about a fourth of these criminal organisations tried in that year to influence/approach/bribe policemen, judges, journalists, customs officers, businessmen, civil servants or politicians or political parties.⁵³

⁵¹ For instance, in 1981, a socio-economic cost-benefit analysis was made of the investment projects with regard to roads and waterways. The analysis showed that 72% of the most cost/beneficial works were situated in Flanders, representing 90% of the investments. In Flanders, 74% would go to the province of Antwerp. The minister of Public Works declared that cost-benefit analysis is only one element of the decision-making, together with political, regional and local factors, and that the division between Flanders and Wallonia suggested by the study was politically unmanageable. Hence, he decided to allocate investments in a proportional way (Van De Walle, 1982). Undoubtedly, the same kind of situation occurs for investments made by most other departments, like defence, public health, education, etc.

⁵² Public debt is currently around 122% of the GNP. The size of this debt increasingly cripples the federal government in budgetary terms. Around 40% of the annual federal budget (with a peak of 44% in 1993) are allocated to the payments of interest on this debt.

⁵³ With regard to the Italian mafia, the committee concluded that "non seulement les dirigeants de cette organisation ont réussi à acquérir une position respectable et honorable dans la société, mais ils se sont rendus intouchables en ayant publiquement des contacts avec des hommes politiques, des magistrats, des avocats et des agents de polices".

Most of these organisations were of foreign origin⁵⁴, although sometimes present for decades on Belgian soil (like the Italian and Chinese mafia). More recently concerns are growing about the influx of mafias from the former Soviet Republics, Latin-America and Turkey. Belgium is obviously an interesting front position, given its central location, openness of its economy⁵⁵ and borders, and highly underequipped⁵⁶ and "permeable" administrative, judiciary and political system.⁵⁷ Therefore, although organised crime is a relative newcomer, also on the corruption market, given the occult character of public market attributions, this new actor has found a fertile ground and can easily overtake the profits from "rotten markets".

3. Parties as Facilitators of Corrupt Exchange

a) Party Control of Public Decision-makers

Civil Service and Ministerial Cabinets

(a) Politicisation of Civil Service Personnel

Through a variety of measures, parties have managed to circumvent to a considerable extent the normal non-partisan recruitment procedures in the civil service sector, which used to be among the largest of the OECD countries in terms of the proportion of the working population (De Winter, 1989).⁵⁸ During the coalition talks, parties usually agree upon the nomination and promotion quotas allocated to each party.

⁵⁴ Although there are also 'genuine' Belgian mafias: the 'cattle hormones' mafia, the 'industrial waste' mafia, the 'labour market brokers' mafia, the Hell's Angels, etc.

⁵⁵ Not only is the Belgian economy one of the most open ones in Europe, exports constitute three quarters of the Gross National Product (OECD, 1996: 192–195); an increasing part of the productive sector passing hands from national to foreign holding companies, especially French ones. According to Mabilie, political corruption in Belgium corresponds with the capture of French groups, of an important part of the Belgian economy. According to this thesis corruption is imported with the internationalisation of company ownership, either because this leads to direct adoption of a (more) corrupt model of exchange applied by the new owners in their own country, or due to the fact these newcomers on the Belgian public expenditures market lack the proper channels of influence allowing them to get a share of a market regulated by informal contacts.

⁵⁶ There is an *Office Central de la Lutte contre la Délinquance Economique et Financière*, that exposed a large number of cases of economic and financial fraud. Still, it is highly underequipped (9 detectives and 6 *gendarmes-documentalistes*).

⁵⁷ This permeability was revealed during the investigation of the Cools-murder, where the ministerial cabinet of a socialist minister had been infiltrated by an Italo-belgian mafia clan that ran its illicit business operations from the cabinet premises.

⁵⁸ During the heydays of partitocracy, the proportion of public employment in the overall employment rose spectacularly, from 12.7% in the 1960-67 period to 19.9% in the 1980-1990 period (Matthijs, 1994).

Belgian parties exert an even stronger influence on promotions in the public sector. Until the end of the 1980s⁵⁹, the promotion of university trained civil servants was strongly controlled by the majority parties. For promoting university trained civil servants, an unofficial interparty committee was established in the 1970s, chaired by a collaborator of the PM.⁶⁰ For each position, the committee considers the candidates for promotion, and the support each candidate enjoys from a coalition party. In principle, each coalition party can make nominations in proportion to its parliamentary strength. In order to prepare the meetings of this committee, most coalition parties have installed intraparty nomination committees, in which the political and professional merits of candidates supported by party leaders, MPs and other patrons are compared (De Winter, 1981; Hondeghem, 1990: 198-203). These committees usually include (representatives of) the party president, prominent ministers, factions, constituency parties, MPs and other brokers.

In several parties, the same person held the position of centraliser of political patronage demands and that of party fundraiser. Delcroix even added to this powerful mix of functions the composition of candidate list for legislative elections.⁶¹ Through his good contacts with the private sector and as patronage centraliser, he could offer deselected candidates alternative career paths as a consolation price. As party treasurer, he could financially sponsor his favoured candidates and constituency parties, thus creating a personal following of CVP-officials. Finally, he was also involved in the organisation of electoral campaigning and the media contacts of his party, including the starting-up of Flanders second television network VTM (Sauviller & Ilegems, 1997:259).⁶²

Moreover, the party patronage on the public sector and society does not end there. In the public media sector, the promotion of the personnel of the public radio and television companies is subject to similar party influence. In

⁵⁹ In the 1988 government agreement, the parties agreed that if the board of directors unanimously recommended a particular candidate, the inter-party nomination committee would follow this advice. Since then, these boards of top civil servants have seized this chance to enhance their nomination power by increasingly issuing unanimous recommendations, a move which shifted power over promotions from the parties to the higher civil service.

⁶⁰ Since the federalisation of the national civil service, similar committees have been set up to monitor the patronage of the promotions of civil service of the regional and community level.

⁶¹ In this function, he was the main inspirer of the idea of moving PM Martens from his Gent constituency to the Brussels' one, which some considered a first step toward his political liquidation. In 1992 he was even involved in the selection of ministers (Sauviller & Ilegems, 1997:202,211).

⁶² According to Sauviller & Ilegems (1997:261), this explains the scarcity and restraint of VTM journalists in reporting on corruption matters involving the CVP.

most other sectors in which parties are influential, like public education, public, semi-public and quasi-autonomous enterprises and services (airways, telephone, railroad, ferries, post, some public banks and credit institutions), local government, etc., parties interfere with the recruitment and promotion of personnel, at different levels (ranging from the janitor in a public kindergarten to the chairman of the board of directors of SABENA).⁶³

(b) Degrading the Role of the Civil Service in Decision Making

Political parties have managed, until recently⁶⁴, to marginalise the role of the civil service in the decision making process, by creating a large and powerful ministerial personal staff, the so-called *cabinets ministériels*.⁶⁵ These *cabinetards* act as the main link between the minister and his civil servants. The excessive use of ministerial cabinets as interface and screen⁶⁶ is partially due to

⁶³ In the 1990s several important public enterprises were given more autonomy, but in some, like the post office and the train company, this has not drastically reduced party patronage of leadership positions ((X. "Partijmensen besturen autonome post en NMBS", *De Standaard*, 13-14/7/1991, p. 2; DDC, "Jacques Cornet de laan uitgestuurd bij NMBS", *De Morgen*, 24/7/91, p. 3; De Moor, F., "Een belletje van Belfagor", *Knack*, 7/4/1993, p. 38-39; Dermine, M. "Des gestionnaires débarquent au conseil d'administration pour veiller sur l'union Sabena-Air France", *Le Soir*, 11-12/4/1992, p. 3; Tegenbos, G. "Snelle promoties bij RTT inderdaad voor kabinetsslui", *De Standaard*, 19/4/1991, p. 3).

⁶⁴ Since the end of the 1980s, and especially after the shock of the 1991 'Black Sunday' elections (i.e. the breakthrough of the extreme right) and the subsequent calls for a 'new political culture', there has been a general move towards accountability and the depoliticisation of the civil service. At the present time, about five of six higher civil servants are nominated on the basis of the proposal of the departmental board of directors (Hondegheem 1996:60). In addition, a code on the relationship between ministers and their administration has expanded the role of the latter. The ministerial staffs are now required to meet regularly with the top civil servants in their ministry. In the past, ministerial staffs tended to work with civil servants loyal to their party, often bypassing the hierarchical order of the department. Higher civil servants have been made more responsible for the management of their departments, are regularly evaluated and can now be sanctioned (or even lose their jobs) for poor performance. The role of the departmental secretary general has been enhanced with regard to budgeting, personnel policy and policy implementation. A college of secretary-generals advises the government and plays a co-ordinating role in matters that concern several departments (De Ryck 1994:473-475). As a consequence, ministers now tend to have much more direct contact with their top civil servants. The emancipation of the higher civil service has been enhanced by the reduction of the size of the ministerial cabinets by a third, basically due to the introduction of a constitutional amendment limiting the number of ministers to 15.

⁶⁵ The number of *cabinetards* involved in policy making has grown from 108 in 1953 to 325 in 1986 (and decreased to 235 in 1995), while their overall number has increased from 750 in 1960 to 2000 in 1987 (Hondegheem 1996:55; Dewachter, 1992:238).

⁶⁶ Dierickx and Majersdorf's (1993:96) survey on communication networks of higher civil servants indicate that in comparison with the six countries included in the Aberbach, Putnam and Rockman (1981) study, Belgian higher civil servants have the least direct communication

the high degree of party politicisation of the civil service, which often creates tensions when top civil servants belong to a different party than their minister's. Given this encompassing politicisation, ministers feared that they could not unconditionally rely on the loyalty of their civil servants. Hence, until the beginning of the 1990s, most policy development, verification of policy implementation and mediation with interest groups was carried out by ministerial cabinets (Hondegem 1996: 51-58). The role of the civil service, including high civil servants, was basically reduced to providing these cabinets with the information necessary for policy planning, to the implementation of governmental decisions and to management of the department (exception made for personnel policy, that was also controlled by the ministerial cabinets). Hence, civil servants generally do not serve as a source of external control and vigilance on the application of correct decision-making norms.

Many of the ministerial cabinet members do not participate in governmental work. Especially those at lower levels exercise clientelist functions with regard to the minister's electoral constituency. In addition, cabinets are a way to procure free staff to the party headquarters.⁶⁷ They also donate a part of their salary to the party treasurer.⁶⁸

Many of these *cabinetards* rotate between the ministerial cabinets and civil service. Cabinet service does quicken promotion in the civil service, while the civil service serves as a waiting room for politically active civil servants awaiting new missions in a ministerial cabinet (while their supporting party is in opposition).⁶⁹ Also *pantouflage* to the semi-public or private sector is common. A similar exchange operates between ministerial cabinets on the one hand, and the judiciary and the public enterprises⁷⁰ on the other.

with their ministers, due to the interface role of the ministerial cabinets.

⁶⁷ Party president Deprez admitted that for each PSC-cabinet, about 5 members were diverted for working directly for the party. Hence in total, the PSC 'privatised' about 50 cabinet collaborators. Also other governing parties admitted that this was common practice, and only due to the more strict application of the law on public finance, party presidents have by now "regularised" the status of most of their "submarine" personnel.

⁶⁸ In the PSC, a part of this donation could be recuperated by introducing reimbursement claims for fictive expenses.

⁶⁹ For instance, in the period 1975-1985, more than half of the director-generals of the corruption sensitive ministry of Public Works had been previously a member of a ministerial cabinet (Dewachter, 1992:237).

⁷⁰ In the 1990s several important public enterprises have been given more autonomy (airways, telephone, railroad, ferries, post, some public banks, etc.) and public stockholding has been

Since 1981 a large number of federal public enterprises, services and administrations have been transferred to the regions and the communities, and at these levels were often created from scratch, allowing for massive circumventions of the normal statutory recruitment proceedings.⁷¹ Hence, political parties managed to nominate their trustees - very often senior members of ministerial cabinets - in the various new public administrations and enterprises at the subfederal level.

The ministerial cabinets are evidently useful sites for organising occult political exchange. Therefore, contrary to the Italian case, Belgian public and party officials do not need to establish private headquarters, personal secretariats or research centres, that offer more privacy than the official party headquarters (Della Porta, 1999). In addition, they can also use the premises of the wide network of lodges and service clubs of different denomination (Catholic, Masonic, Belgian, Flemish, Francophone, left and right wing, etc.), which try to increase the usefulness to their members by including representatives from different sectors of society (lawyers, judges, politicians, tax councillor, doctors, pharmacists, etc)(Ghijs, 1997:47).

(c) Politicisation of the Judiciary

Likewise, the recruitment and promotion of judges was nearly completely determined by party patronage. Until recently, the preliminary training of judges was non-existent or rudimentary, giving the party actors a large leeway in nominating their protégés. Here again, we can notice a centralisation of patronage in the 1970s, with the creation of intraparty selection committee. Interested candidates had to apply there for party backing. Bargaining between governing parties in inter-party committees chaired by a representative of the minister of Justice was also institutionalised.

In 1991 entry into the judiciary became subject to exams and a formation *stage* was envisaged, but the minister can still freely choose between the candidates that pass the tests. Only in 1998 was it decided to depoliticise the

usually reduced to 51% or even less. Hence, the private sector's participation puts a break on too strong direct interference of ministers and their party headquarters with policy making and especially personnel recruitment in these sectors. During this transfer and setting up of new services, objective recruitment rules were even less respected than before.

⁷¹ According to the 1988 agreement between the parties supporting the Flemish executive, the CVP got 40% of the nominations, the SP 30%, and the VU 15%. The remaining 15% were left to liberal or neutral candidates (PVDD "Vlaamse kabinetschefs hanteren telmachinetjes bij benoemingen" *De Standaard*, 15/3/1991:2).

promotion of judges, by transferring the Minister of Justice's nomination competence to a more neutral and pluralist *Conseil de la Magistrature*.⁷²

b) Controlling Sources of Exposure

One of the main problems of the weak role of corruption controlling instances is that due to the party politicisation of the public sector, the controllers are often controlled by or tributary to the controlled.

(a) The Superior Committee of Control

The *Conseil Supérieur de Contrôle*, the state official anti-corruption service, has not been able to perform its role adequately, for a variety of reasons. It was traditionally underequipped, as a dozen of civil servants had, with preventive objectives, scrutinise about 3000 public tenders per year. Its resources were even systematically decreased once it became pro-actively involved in the investigation into the wave of corruption case of the early 1990s. Its administrative hierarchy was highly party politicised, the two top positions controlled by the CVP and PS, that were indebted for their nomination to these parties' treasurers and patronage dispatchers (Delcroix and Hermanus respectively). Also at lower levels, the CSC was politicised, producing many leaks of information on ongoing inquiries to the media as well as to the parties and politicians under suspicion.

After a series of modifications of its competencies and status, in 1998 most of the Committee services were transferred to the Justice ministry, constituting the new *Office Central pour la Repression de la Corruption*. The rest was transferred to the new section on state tenders and subsidies within the federal Civil Service department. These modifications are generally considered to have weakened this service's role in the fight against corruption.⁷³

(b) The Inspection of Finance

To every ministerial department are attached one or more inspectors of finance, acting as the financial and budgetary councillor of the minister. They verify the

⁷² When in 1996 a parliamentary commission of inquiry into the Dutroux affair had to be set up, many MPs had to be rejected as committee member, as they had first and second degree family links with the judges that had been criticised for lack of activism or blunders. Also the lack of progress in the judicial inquiry in the 'mortal shells' affair was blamed for the fact that the judge that had been in charge was nominated by the Liberals, the party of the minister and *cabinetards* under accusation (Barrez, 1997:267).

⁷³ The *administrateur général* of the service, who in 1996 before a Senate investigative committee on organised crime, had denounced 50 cases (involving five ministers), in which the Superior Committee of Investigation had not managed to pursue its inquiry (allegedly due to political interferences) was not retained for this new anti-corruption body.

legality and opportunity of the conditions of the tenders before the public announcement as well as when the choice between contractors is to be made. Often, these inspectors belong to the party of the minister. In addition a part of their supplementary monthly income is dependent on the positive appreciation made by the minister they control. Inspectors that create too much trouble for their minister are sometimes transferred to another ministry.

(c) The Parliamentary Audit Office

Every year, the parliamentary Audit Office (*Cour des Comptes*) has to produce a financial report, which is introduced as a bill to Parliament in October of the following fiscal year. While the vote on this bill was originally intended to assess governmental policy, in practice this approval usually occurs several years later, rendering the vote a mere formality, as the responsible government or minister is usually not anymore in office. In addition, the Audits Office's reports cover only the regularity and legality of governmental expenditures, and not their efficacy. Finally, the MPs themselves are usually uninterested in the report of the Audit office⁷⁴ in spite of the fact that the media usually manage to report the most shocking parts (the so-called Blunderbooks).

(d) Parliamentary Committees of Investigation

Parliamentary committees of investigation have the same powers as an examining magistrate, including use of coercion and questioning witnesses under oath. Until the 1980s, such committees were quite uncommon in Belgian parliamentary life. This was because majority MPs – in solidarity with the government – were reluctant to allow investigations which could embarrass a specific minister or the entire government. In addition, even when a committee of inquiry suggested that a minister was politically responsible for certain failures, the minister did not resign as long as his party supported him. However, while the House created only nine such committees in the entire 1880-1988 period, since then it has established roughly one each year. They have developed into an alternative instrument of parliamentary oversight⁷⁵ and get considerable publicity. Still, not a single minister whose role was denounced in these committees has resigned.

⁷⁴ For instance the Brussels parliament did during the 1989-1994 term not hold a single committee meeting on the many abuses the Audit Office had mentioned concerning the public tenders of the Brussels Regional Executive.

⁷⁵ Also in sectors sensitive to political corruption, such as the committee on military tenders, arms trade, organised crime, extreme-right terrorism, trade in industrial and nuclear waste, prostitution and other abuse of immigrants, the murder of Cools, etc.

(e) Whistle Blowers and Freedom of Information

With regard to citizens' access to administrative files, enabling to accomplish their whistle blowing function, the government has moved towards more openness within a wider effort for modernisation and democratisation of the civil service. Since 1991 administrative decisions have to contain a motivation. Since 1994, citizens can consult administrative documents, even when they do not have a personal interest in them. Still many exceptions are effective. Civil servants are bound by professional secret. Administrative documents have to be deposited in the governmental archives and can only be consulted after 100 years. Ministers can decide to make them accessible after 50 years! So even after 1991 one cannot freely obtain information on the preparation of governmental decisions.

Furthermore, there is no whistle blowers act. On the contrary, the overview of the fate of the denouncers of the most important corruption cases indicates that the denouncers are the first victims of their act, especially if they are civil servants.⁷⁶ In addition, they are sometimes charged with excessive financial claims for defamation by the politicians involved, forcing them to seek expensive legal council.

CONCLUSION: TOWARDS A CORRUPTION-FREE PARTITOCRACY?

Many traditional factors that in the literature on political corruption are mentioned as facilitators were clearly and strongly present in the Belgian case during the 1970s and 1980s. These are generally considered to be the heydays of political corruption. A large number of these facilitators refer directly or indirectly to the impact of parties in the Belgian polity.

Since the 1991 'Black Sunday' elections the issue of institutional reform and refining democracy has moved high up on the agenda of the government, political parties and public opinion at large. This has produced a high number of reform proposals in a wide range of institutions and procedures that to some extent diminish the excesses of partitocracy, making Belgian parties and the wider public sector - at least in theory - less vulnerable to political corruption.

⁷⁶ Amongst other Demaeght, Vermeulen, Suys and Druyts.

These measures include:

- a generous and rather transparent system of public party finance including stringent caps on campaign spending (see above);
- restrictions of party patronage in the civil service and wider public sector, making public servants less tributary to political parties;
- depoliticization of the judiciary, allowing judges to play a more independent role in the fight against corruption;
- restrictions on clientelistic practices of elected officials; the drafting of a code for MPs that would curtail their clientelistic interventions in public administration.⁷⁷
- increasing transparency, responsiveness, responsibility and efficacy of public administration;
- the reduction of the protection offered by stringent parliamentary immunity rules for MPs and ministers, and the expansion of the investigative capacity of ordinary courts and investigating judges;
- the installation of permanent watchdog committees on organised crime and its attempts to infiltrate politics.

In addition to these structural measures, one can also discern in public opinion a trend to take political corruption⁷⁸ more seriously and reject clientelism more than before. The press has started playing a more independent role in reporting and unearthing corruption. Finally, probably also the bankruptcy of the Belgian state, that probably can be at least partially blamed on the corrupt nature of Belgian traditional politics, has reduced the corruption potential. In a state that is bankrupt, public opinion, interest groups and competing parties are much more vigilant in assuring that the pies of the reduced public cake are efficiently allocated to the recipients that need them most or produce the highest cost/benefits ratio⁷⁹.

⁷⁷ The Flemish parliament has recently accepted such a code, drafted by Dr. De Winter, which gradually becomes the standard for similar codes being drafted by other legislative assemblies at the national, provincial and local level.

⁷⁸ According to the Flemish Regional Indicators (VRIND), political corruption ranks second (after unemployment) as the most salient issue in 1998.

⁷⁹ The Agusta Dassault case is interesting for understanding how political corruption can complicate the transfer of power from one generation of party leaders to another, and from one party culture to another. During the 1977-1989 period, the party was led by president Van Miert (EU commissioner between 1989-1999), who had taken over the presidency from strongman Willy Claes (who had become vice-PM in 1977), and Van Acker, former minister and the mayor of Bruges. In 1980, Mangé had become one of the party fund raisers (and remained so until 1995) as the (vice-)director of the party's research centre, the intellectual braintrust of the party and parliamentary leadership and training school of the party intelligentsia. In 1984, Carla Galle, Van Miert's companion, had become the party's national

This general transformation of facilitating factors in the context surrounding the occult exchange between parties and business has however not been entirely smooth. The legislation on public party finance has probably reduced corrupt exchange to a considerable degree, but transaction costs were high. In most parties, people involved in the grey fundraising and spending of the 1980s are in, or aspire to, the highest public offices. This makes them and their party quite vulnerable to the old corruption corpses that have been falling out of the party's closets in recent years. They also tried to continue the old occult system of financing the party as a way to control the newer generation. In addition, often the new generation of upcoming party leaders, responsible for running the party organisation in a clean and transparent way, has been forced to cover-up for the illicit past behaviour of their party historical leaders. Hence, although coming from a generation socialised in a different context and value

secretary, a formalisation of the informal influence she had managed to build up in the previous years. Although the SP had a long history of functioning with black money, like in the other parties, the 1980s were unequalled in terms of grey financing. Hence grew a permissive culture in the leadership about accepting large gifts from enterprises, that would be collected by the party treasurer or other fundraisers (like some *chefs de cabinet*) and channelled to the party through a network of satellite bureaux around the party research centre laundering 'black' gifts through fictitious invoices and payment checks. When in 1988 the party returned to government, Willy Claes became vice-PM and Van Miert aspired to become EU-commissioner, a leadership transfer was necessary. Being the logical candidate, the flamboyant leader of the parliamentary party, Tobback, preferred to remain minister, the choice went to his "crown prince", the young ascetic Vandenbroucke, who was also one of the promoters of the 1989 bill on public and transparent party finance. When Vandebroucke took over the leadership, he told Mangé and Galle that he would not want the central party financed anymore with company gifts, black or white. The latter two promised to do as the leader wished, but behind his back continued business as usual. This including the acceptance of the gifts of Agusta and Dassault (the largest they ever got), which they mainly distributed as campaign subsidies to the regional party electoral heads of list, and as payments in black for the personnel of the party research centre. This way Claes and Van Miert also managed to retain their informal influence in the party. Only after two years, when Vandenbroucke managed to promote Galle out of the way, did he finally get a real grip on the party finance. He and his new national secretary discovered the remainders of the black money of Galle and Mangé (5 million BEF), which Vandenbroucke ordered Mangé to burn. As it was black money, he argued that it could not be inserted anymore into transparent national party accounts for which he carried legal responsibility. This 'burning order' cost him his position of vice-PM when the Agusta scandal finally broke out in 1995 (at the start of the electoral campaign). Hence, illegal party finance was used as an instrument to circumvent the formal party power holders with different ethical standards operating within a new context of more transparent party finance. In their downfall (Claes and Mangé got convicted in the Agusta-Dassault trial), they provoked irreparable damage to Clean Hands Vandenbroucke, while also many old-timers managed to stay untouched (Van Miert, Galle and all leaders that did not ask questions about the origins of the generous gifts).

system, they are stained by their party's past, and several were forced to sacrifice their clean hands reputation for saving their party's historical leaders.

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APPENDIX : Della Porta's (1999) 15 hypotheses

Hypothesis	Belgium
Influence of party system on spread of corruption	
<ul style="list-style-type: none"> Political corruption favoured by 'cartel' parties 	Yes, most likely given strong cartelisation of parties
<ul style="list-style-type: none"> Political corruption favoured by high cost of politics 	Yes, especially in 1970s and 1980s
<ul style="list-style-type: none"> Corruption facilitated by spread of party power over administration 	Yes, especially in 1970s and 1980s
How parties help spread of corruption [when political corruption becomes systemic]:	
<ul style="list-style-type: none"> political parties sanction occult transactions 	May be, but difficult to proof
<ul style="list-style-type: none"> political parties play important role in socialising members to illegality 	May be, but difficult to proof
<ul style="list-style-type: none"> political parties reduce risk involved in illegal exchanges 	May be, but difficult to proof
<ul style="list-style-type: none"> political parties act as guarantors of illegal business 	May be, but difficult to proof
Participation in occult transactions transforms ways in which parties fulfil traditional roles [when political corruption becomes systemic]:	
<ul style="list-style-type: none"> political parties select business politicians 	Some clear cases, but probably not in a systematic way
<ul style="list-style-type: none"> political parties develop clientelistic relationship with supporters 	Strong supportive evidence
<ul style="list-style-type: none"> political parties select demands that are supposed to bring more bribes 	Maybe, but difficult to proof
How corruption affects the party system	
<ul style="list-style-type: none"> favours development of connivance in the party system 	Quite likely
<ul style="list-style-type: none"> when corruption is systemic, other invisible actors may substitute political parties as guarantors of illegal exchange 	May become relevant in near future with the profiliation of mafias
How corruption transforms the party structure	
<ul style="list-style-type: none"> When corruption spreads, positions connected with clandestine financial transactions acquire greater importance 	Yes, but difficult to proof
<ul style="list-style-type: none"> When corruption is widespread, invisible, unofficial structures emerge in the parties 	Yes, but difficult to map
<ul style="list-style-type: none"> Invisible party structure produces centrifugal tendencies in parties 	Yes, but only one of the causes



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